



**Town of Arlington, Massachusetts**  
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## **School Committee SPECIAL MEETING Minutes 11/3/2009**

*Approved by Arlington School Committee December 22, 2009*

**THE ARLINGTON SCHOOL COMMITTEE  
SPECIAL MEETING MINUTES  
TUESDAY, NOVEMBER 3, 2009  
6:00 P.M.**

**Present:** Joe Curran, Chair Denise Burns, Vice Chair  
Joe Curro, Secretary Leba Heigham  
Ronald Spangler Cindy Starks  
Jeff Thielman

**Interim Superintendent:** Kathleen Bodie  
**Chief Financial Officer:** Diane Johnson

**Excused Absence:** Special Education Director: Mark Ryder  
Interim Assistant Superintendent: Wallis Raemer

*Dr. Spangler entered the meeting at 6:03 p.m.  
Mr. Curran exited the meeting and returned at 6:10 p.m.*

**Mr. Curran called the meeting at 6:00 p.m.**

### **PUBLIC PARTICIPATION**

*Mr. Michael Carta, AEA 1<sup>st</sup> Vice President, teacher, parent, homeowner and taxpayer was here tonight to remind the Committee that Mr. Charles Coughlin was successful with his arbitration, and he questioned why the Committee would consider an appeal. Mr. Carta requested that Mr. Coughlin be put back to work immediately.*

### **SUPERINTENDENT SEARCH PROCESS UPDATE**

*Ms. Heigham provided backup information on why the new Chief Financial Officer, Ms. Diane Johnson, wanted to withdraw the original Request For Proposals. Ms. Johnson stated she had found serious errors and recommended starting the process over with her as a part of it. Ms. Heigham spoke about the changes with this Request For Proposals versus the one previously done, and the committee members discussed the changes and the process that was being presented.*

*After the discussion, Ms. Johnson pointed out she was in charge of the RFP committee along with two other Superintendent Search Process Subcommittee members, Ms. Heigham and Mr. Thielman. Ms. Burns stated that she or Mr. Curran would like to be part of the committee.  
Mr. Thielman noted he would be willing to give up his position on RFP committee.*

*The Committee continued the discussion on item six under the Submission requirements (i.e., running a focus group with the School Committee members) and recommended changes to bullet number two under Scope of Service on the Request for Proposals for Consultant Services to include "Subject to School Committee approval, based on these needs", the following motion was made.*

**Mr. Curro moved to accept the Request for Proposals for Consultant Services with amended changes to bullet two under Scope of Services, "Subject to School Committee approval, based on these needs", seconded by**

**Ms. Burns.**  
**Voted 7 - 0**

**Mr. Curran nominated Ms. Burns be part of the Request for Proposals Process Committee, seconded by Ms. Heigham.**  
**Voted 7 - 0**

**Mr. Thielman nominated Ms. Heigham to be part of the Request for Proposals Process Committee, seconded by Dr. Spangler.**  
**Voted 7 - 0**

#### **EXECUTIVE SESSION**

**Mr. Curro moved to enter Executive Session at 6:30 p.m. to strategize with respect to collective bargaining or litigation, only to return to open meeting for adjournment, seconded by Ms. Heigham.**

*Dr. Spangler requested to hold this discussion in open session.*

*After the committee members discussed the fact that no strategy on litigation could be conducted in public, **Mr. Curro withdrew his motion.***

*Kay H. Hodge, Partner from Stoneman, Chandler and Miller noted that the following letter from Town Manager Brian Sullivan took the place of Town Counsel Juliana Rice's and/or Insurance Attorney Bob Gill's presence this evening.*

*Dr. Spangler read the following letter from Brian Sullivan, Town Manager that was read at the Board of Selectmen's meeting the previous evening.*



Town of Arlington  
Office of the Town Manager

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November 2, 2009

Kathleen Bodie, Interim School Superintendent  
869 Massachusetts Avenue  
Arlington, MA 02476

Re: Charles E. Coughlin, Jr. v. Arlington Public Schools  
AAA No. 11 390 01903 07

Dear Ms. Bodie:

I understand that the arbitrator in this matter issued an award in favor of Mr. Coughlin on October 27, that you are currently considering whether to petition the Superior Court to vacate that award, and that the School Department's counsel, Kay Hodge, is prepared to bring that petition for no charge. I am writing to suggest that you authorize the filing of such a petition so as not to jeopardize insurance coverage for the related civil case of which the Town received notice this past March.

Since Mr. Coughlin and Ms. Bouris presented notice of their claims, the Legal Department has been working to secure insurance coverage under an errors and omissions policy issued to the Arlington Public Schools by Tudor Insurance Company. Because the civil complaint has not yet been filed, it remains unclear what -- if any -- coverage the policy will afford, but the insurer has been persuaded to assign defense counsel subject to a reservation of rights. That attorney, Robert Gill of Peabody & Arnold, advises compliance with the policy's cooperation clause to protect coverage that may be available under the policy. The cooperation clause requires the insured to preserve its rights with regard to related claims. Failure to pursue an appeal of the October 27 arbitration award could threaten possible coverage of civil claims under the policy. For that reason, I support the filing of an appeal.

At the same time, however, I am of the strong opinion that resolution of these matters would be the best course of action for the Town. To that end, my office and the Legal Department, working with Attorney Gill, are making serious overtures to counsel for Mr. Coughlin and Ms. Bouris to engage the parties in a cooperative effort to resolve their civil claims. We anticipate that earnest discussions will begin shortly and are hopeful that all parties will be able to work toward an equitable global settlement and bring this matter to an end.

If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Very truly yours,

Brian F. Sullivan  
Town Manager

cc: School Committee  
Board of Selectmen  
Juliana Rice, Town Counsel  
Robert Gill, Esq., Peabody & Arnold

***Mr. Thielman moved upon the advice of its attorneys, the Town Manager, and counsel for the Town of Arlington, the Arlington School Committee accepts the offer of Stoneman, Chandler and Miller to pursue a pro-bono appeal of the decision by the Arbitrator in the matter of Charles E. Coughlin, Jr. v. Arlington Public Schools, AA No. 113900190307, seconded by Mr. Curro.***

***Voted 5 -0 - 2***

***Roll Call: Ms. Starks Yes, Ms. Heigham Yes, Dr. Spangler Yes, Mr. Thielman Yes, Mr. Curro Yes, Ms. Burns abstained, and Mr. Curran abstained.***

*Ms. Burns stated she would abstain, that she felt this was a personnel issue, and that Superintendent Bodie would have to make the decision, and that it is not the role of the School Committee members.*

*Mr. Curran noted he had asked for Town Counsel and the Insurance Company's legal Counsel two years ago, but noted he would like what is best for the town.*

*Mr. Curro had asked Kay H. Hodge, from Stoneman, Chandler and Miller to come to the table to comment on the motion. Ms. Hodge stated she couldn't comment or advise her clients in public session.*

*Dr. Spangler noted that after reading the Town Manager's letter and the decision of Town Counsel and insurance companies we should pursue with the appeal due to the complaint brought to the School Committee.*

*Ms. Starks inquired as to who would then decide if the School Committee didn't vote on the motion. Ms. Burns*

*recommended that the Superintendent be the one to make the decision.*

*Ms. Heigham pointed out that we have been advised by all three attorneys to appeal and called the vote.*

**ADJOURNMENT**

***Mr. Curro moved to adjourn at 7:05 p.m., seconded by Dr. Spangler.***

***Voted 7 - 0***

***Respectfully submitted by***

***Karen M. Fitzgerald***

***Administrative Assistant***

***Arlington School Committee/jc***